

**United States Bankruptcy Court  
Southern District of Ohio  
221 East Fourth Street, Suite 800  
Cincinnati, OH 45202-4133**

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In Re: Alan Wayne Kube  
Angelita Rene Rudd  
Debtor(s)

Case No.: 1:10-bk-17646

Chapter: 7

SSN/TAX ID:

xxx-xx-0700

xxx-xx-6041

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**NOTICE TO INDIVIDUAL CONSUMER DEBTOR(S)**

PLEASE TAKE NOTICE THAT as a consumer debtor, you are advised, pursuant to the provisions of 11 U.S.C. Section 342(b), prior to commencement of your case that you may proceed under any one of the following chapters of Title 11, United States Code:

**Chapter 7 Liquidation, or  
Chapter 11 Reorganization, or  
Chapter 12 Family farmer, or  
Chapter 13 Repayment of all or part of the debts  
of an individual with regular income**

By filing a petition in bankruptcy, you have invoked the jurisdiction of a United States Court. If you do not appear as ordered you may either be arrested and conveyed to court by a United States Marshal, or your case dismissed and discharge in bankruptcy denied.

All of your property is now under the exclusive control of the United States Bankruptcy Court. It is your duty to keep and preserve that property and be accountable to the proper court officials.

The law requires that you attend and submit to an examination under oath concerning the conduct of your affairs, the cause of your bankruptcy, your transactions with creditors and other persons, the amount, kind and whereabouts of your property and possessions, and all other matters which may affect the administration and settlement of your estate or the granting of your discharge.

You are not to dispose of any property, including money, or allow any creditors to take such property without the written authority of the Court. The right of your secured creditors will be determined by the court, and no creditors now have the right to possess any property upon which they claim to have a lien or interest.

Should you change your address, be sure to keep the court informed, in writing, of your correct address up until the time your case is closed.

If you need information or advice as to your rights and obligations under the law, contact your attorney. **The court cannot give you legal advice.**

Dated: November 8, 2010

Kenneth Jordan  
Clerk, U.S. Bankruptcy Court

**SEE REVERSE SIDE FOR ADDITIONAL INFORMATION**

## **Additional Information:**

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

### **1. Services Available from Credit Counseling Agencies**

**With limited exceptions § 109(h) of the Bankruptcy Code requires that all individuals debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis.** The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

**In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge.** The clerk also has a list of approved financial management instructional courses.

### **2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors**

#### **Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)**

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

#### **Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)**

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

**Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)**

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

**Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)**

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family owned farm or commercial fishing operation.

**3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials**

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

**CHAPTER 7 CASES**  
**IT IS NECESSARY TO BRING THE FOLLOWING PAPERS**  
**TO THE MEETING OF CREDITORS WITH YOU**

1. Title documents to all real estate in which the debtor has an interest, including deeds, land contracts, or leases and closing statements for any interest in real estate sold by the debtor within the last year;
2. All recorded mortgages and recorded liens upon real estate in which the debtor has an interest and details of all certificates of judgment, including the name of the judgment creditor, date of filing, judgment docket number, page and amount;
3. All life insurance policies owned by the debtor;
4. Certificate of title (or copies) to all motor vehicles, boats, etc., owned by the debtor(s);
5. Federal income tax return for the last calendar year filed by the debtor;
6. Separation agreements or decrees of dissolution or divorce entered into or granted during the last year;
7. All documents evidencing the debtor(s)' interest in any retirement account(s), including individual retirement account(s), account statements(s), summary plan description(s) and qualification letter(s) from the IRS. For individual retirement account(s), an accounting of all contributions to the account(s) since its inception is also required;
8. Security agreement(s), financing statement(s), and personal property lease(s);
9. Stock certificate(s), bond(s), credit union and saving(s) account(s) passbook(s) and/or saving(s) account(s) statement(s), checking account statement(s) and other evidence of investment(s) or saving(s);
10. Evidence of the value of real estate in which the debtor has an interest (county auditor appraisal card or appraisal, if available);
11. List of debtor(s)' personal property with each item's estimated market value, if same does not appear in the schedules filed in this matter.
12. Pay vouchers or record of earnings for the forty (40) day period prior to the date your petition was filed in bankruptcy;
13. If the debtor acquires an interest in property within 180 days after the date of filing of the petition (a) by request, devise or inheritance, (b) as a result of a property settlement agreement with the debtor's spouse or of an interlocutory or final decree, or (c) as a beneficiary of a life insurance policy or of a death benefit, the chapter 7 trustee must be notified immediately.
14. Bring your current driver's license or other picture ID, such as the Ohio Identification card or any other ID that has your name, photograph and social security number on it.
15. **No unauthorized cellular phones, cameras, recording devices, weapons, pagers or other portable electronic devices are permitted on the court's premises.**